

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA FILED

UNITED STATES OF AMERICA,

v.

**DONALD WAYNE WILSON,**  
Defendant.

MAY 21 2019

U.S. DISTRICT COURT-WVN  
MARTINSBURG, WV 25401

Criminal No. 3:19-CR- 31

Violations: 18 U.S.C. § 922(a)(6)  
18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(a)(2)  
18 U.S.C. § 924(d)(1)

**INDICTMENT**

The Grand Jury charges that:

**COUNT ONE**

(False Statement During the Purchase of a Firearm)

On or about the August 17, 2018, in Berkeley County, in the Northern District of West Virginia, defendant, **DONALD WAYNE WILSON**, in connection with the acquisition of a firearm, that is a Smith & Wesson revolver Model 640 .357 caliber, serial number CFM2438, from a licensed dealer of firearms, that is Frazier's Pawn Shop, located at 922 North Queen Street, in Martinsburg, West Virginia, did knowingly make a false written statement, that was intended and likely to deceive such dealer with respect to a fact material to the lawfulness of the sale of such firearm, the defendant represented that he had never been convicted of a crime punishable by imprisonment for a term exceeding one year in answer to Question 11(c) on the Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives Form 4473, when, in fact, **DONALD WAYNE WILSON**, well knew he was subject to such an order of conviction for Third Offense Driving While License Revoked for DUI in violation of West Virginia Code § 17B-4-3(b)

in Berkeley County Circuit Court number 14-F-100; in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT TWO**

(Unlawful Possession of a Firearm)

On or about September 4, 2018, in Berkeley County, in the Northern District of West Virginia, defendant **DONALD WAYNE WILSON**, possessed a firearm, to wit: Smith & Wesson revolver Model 640 .357 caliber, serial number CFM2438, having been convicted of a crime punishable by imprisonment for a term exceeding one year, Third Offense Driving While License Revoked for DUI in violation of West Virginia Code § 17B-4-3(b), and did so knowingly, said firearm having been shipped and transported in interstate commerce; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(d).

**FORFEITURE ALLEGATION**

(Gun Control Act)

1. Pursuant to Title 18, United States Code, Section 924(d)(1), the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any firearm involved in any knowing violation of Title 18, United States Code, Sections 922, or knowing importation or bringing into the United States or any possession thereof any firearm or ammunition in violation of Section 922(l), or knowing violation of section 924, which property includes a Smith & Wesson revolver Model 640 .357 caliber, serial number CFM2438.

A True Bill,

/s/  
Grand Jury Foreperson

/s/  
WILLIAM J. POWELL  
UNITED STATES ATTORNEY

Kimberley D. Crockett  
Assistant United States Attorney